

Message Text

UNCLASSIFIED

PAGE 01 STATE 154665

64

ORIGIN NSF-04

INFO OCT-01 EUR-25 ADP-00 L-03 SCI-06 COME-00 EB-11

CIAE-00 INR-10 NSAE-00 RSC-01 /061 R

66631

DRAFTED BY:NSF/OIP:RFHULL

8/2/73 EXT 25756

APPROVED BY:EUR/SES:MR. STEFAN

NSF/OIP:ERSONS L/SCI:MR. MAURER (DRAFT)

NSF/OGC:MBLLOYD SCI/SA:MR. SAMPAS (DRAFT) EUR/SES:MR. SELL

DESIRED DISTRIBUTION: NONE INDICATED

----- 020567

R 062107Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY BUDAPEST

INFO AMEMBASSY BUCHAREST

UNCLAS STATE 154665

FROM: NSF

E.O. 11652: N/A

TAGS: OSCI, HU

SUBJECT: NSF/KKI AGREEMENT ON SCIENTIFIC COOPERATION

1. ON OCCASION OF VISIT IN BUDAPEST IN MARCH 1973 BY NSF REPRESENTATIVE ROBERT HULL, PRESIDENT OF INSTITUTE FOR CULTURAL RELATIONS (KKI) ENDRE ROSTA REQUESTED THAT UNDERSTANDING BE REACHED BETWEEN NSF AND KKI CONCERNING ENJOYMENT OF BENEFICIAL FRUITS OF ACTIVITIES UNDERTAKEN WITHIN SUBJECT AGREEMENT. NSF REQUESTS THAT EMBASSY TRANSMIT TO KKT THE TEXT OF PARAGRAPH 2, BELOW, AS A PROPOSAL FOR UNDERSTANDING TO BE CONCLUDED BETWEEN NSF AND KKI. THIS TEXT, OR A MODIFICATION PROVING ACCEPTABLE TO BOTH SIDES, MAY BE PUT INTO EFFECT BY EXCHANGE OF LETTERS UNDER THE PROVISION OF SECTION VI OF THE AGREEMENT READING QUOTE BY MUTUAL CONSENT OF THE PARTIES, THIS AGREEMENT...MAY AT ANY TIME BE MODIFIED UNQUOTE. THE EXCHANGE OF LETTERS MAY BE BETWEEN THE SIGNATORIES OF THE AGREEMENT: DR. THOMAS B. OWEN FOR UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 154665

THE NSF AND DR. ENDRE ROSTA FOR THE KKI. THE EXCHANGE OF LETTERS

WOULD REFER TO THE AGREEMENT AND PROPOSE THE CHANGE OF SECTION VI TO SECTION VII AND THE INSERTION OF A NEW SECTION VI ENTITLED "INVENTIONS AND PATENTS." THE PROPOSED TEXT FOLLOWS.

2. WITH RESPECT TO RIGHTS IN AND TO INVENTIONS CONCEIVED OR FIRST REDUCED TO PRACTICE DURING THE COURSE OF ANY PROJECT OR OTHER ACTIVITY CONDUCTED UNDER THIS PROGRAM (HEREINAFTER REFERRED TO AS QUOTE SUBJECT INVENTIONS UNQUOTE), THE PARTIES AGREE THAT THE FOLLOWING PRINCIPLES ARE DESIRABLE AS GUIDELINES IN THE EQUITABLE ALLOCATION OF RIGHTS BETWEEN THE TWO SIDES.

(1) WITH RESPECT TO ANY SUBJECT INVENTION WHICH IS OR MAY BE PATENTABLE, JOINTLY CONCEIVED OR FIRST REDUCED TO PRACTICE BY COLLABORATING PARTICIPANTS OF THE TWO SIDES IN THE COURSE OF ANY ACTIVITY CARRIED OUT UNDER THIS AGREEMENT, THE PARTIES AGREE (I) THAT EACH OF THE PARTIES WILL HAVE THE SOLE RIGHT TO CONTROL THE DISPOSITION OF ALL RIGHTS IN THE SUBJECT INVENTION WITHIN ITS TERRITORY, AND THE OTHER PARTY AGREES TO TAKE SUCH STEPS AS ARE NECESSARY TO ASSURE THAT SUCH PARTY RECEIVES SUCH SOLE RIGHT, AND (II) THAT EITHER PARTY OR ITS DESIGNEE MAY SEEK TO OBTAIN PATENTS IN THIRD COUNTRIES. WHENEVER A PATENT APPLICATION IS FILED IN A THIRD COUNTRY, THE OTHER PARTY SHALL BE NOTIFIED, AND SUCH OTHER PARTY SHALL UPON REQUEST MADE WITHIN ONE YEAR AFTER SUCH NOTICE IS GIVEN, BE GRANTED, AT A MINIMUM, AN IRREVOCABLE, ROYALTY-FREE, NONEXCLUSIVE LICENSE, WITH RIGHT TO SUBLICENSE, TO PRACTICE THE SUBJECT INVENTION IN THE THIRD COUNTRY; PROVIDED, THAT THE REQUESTING PARTY MUST AGREE TO REIMBURSE THE APPLICANT FOR PATENT FOR ONE-HALF OF THE COSTS INCURRED AND THAT MAY BE INCURRED IN THE FUTURE FOR FILING, PROSECUTING, AND MAINTAINING THE PATENT APPLICATION OR PATENTS RESULTING THEREFROM IN THE THIRD COUNTRY.

(2) WITH RESPECT TO A SUBJECT INVENTION WHICH WAS CONCEIVED OR REDUCED TO PRACTICE BY A PARTICIPANT OF ONE COUNTRY DURING THE COURSE OF A VISIT TO THE OTHER COUNTRY, THE PARTY OF THE INVENTING PARTICIPANT AGREES THAT THE HOST PARTY SHALL HAVE A ROYALTY-FREE, NONEXCLUSIVE, IRREVOCABLE LICENSE, WITH THE RIGHT TO SUBLICENSE, TO PRACTICE ANY SUCH SUBJECT INVENTION WITHIN THE TERRITORY OF THE HOST PARTY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 154665

(3) THE FACT THAT RIGHTS IN A SUBJECT INVENTION ARE CONFERRED ON EITHER PARTY IN ACCORDANCE WITH THIS AGREEMENT IS NOT MEANT TO GIVE THAT PARTY RIGHTS IN ANY OTHER INVENTIONS THAT ARE NOT SUBJECT INVENTIONS.

3. SHOULD KKI PROMPTLY ACCEPT TEXT PROPOSED BY NSF OR OFFER ONLY MINOR CHANGES RAPIDLY ACCEPTABLE BY NSF, THERE IS POSSIBILITY THAT DR. OWEN MAY MAKE BRIEF VISIT FOR EXCHANGE OF LETTERS IN

BUDAPEST AS EARLY AS FIRST WEEK OF SEPTEMBER. SHOULD KKI WISH TO PROPOSE A SIGNIFICANTLY DIFFERENT VERSION, NSF WILL BE HAPPY TO CONSIDER COUNTERPROPOSAL. IF COUNTERPROPOSAL IS PROMPTLY RETURNED TO NSF, THERE IS POSSIBILITY THAT OTHER NSF REPRESENTATIVE MAY MAKE BRIEF VISIT FOR WORKING LEVEL DISCUSSION FIRST WEEK OF SEPTEMBER, WITH EXCHANGE OF LETTERS SUBSEQUENTLY. IN MAKING THESE SUGGESTIONS TO KKI, EMBASSY SHOULD EMPHASIZE THAT IN BOTH BASES THE POSSIBLE TRAVEL OF NSF PERSONNEL IS IN CONJUNCTION WITH PENDING BUSINESS ELSEWHERE AND IS NOT YET CERTAIN.

4. FYI. TEXT OF PARAGRAPH 2 IS VIRTUALLY IDENTICAL TO NSF COUNTER COUNTERPROPOSAL FOR INCLUSION IN MEMORANDUM OF UNDERSTANDING IN CURRENT NEGOTIATIONS WITH ROMANIAN NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY. DR. OWEN'S PLANNED TRAVEL IN EUROPE ALLOWS FOR SIGNATURE CEREMONY IN BUCHAREST FIRST WEEK OF SEPTEMBER, IF ROMANIANS ARE READY. OWEN MAY FIND IT POSSIBLE, IF HUNGARIANS ARE READY, TO VISIT BUDAPEST WHETHER OR NOT BUCHAREST VISIT TAKES PLACE. IF ROMANIANS ARE UNREADY FOR SIGNATURE, WORKING LEVEL VISIT BY OTHER NSF REPRESENTATIVE IS TENTATIVELY PLANNED TO BUCHAREST FIRST WEEK OF SEPTEMBER AND IF DESIRED COULD INCLUDE BUDAPEST AS WELL. OWEN'S POSSIBLE VISITS, HOWEVER, ARE CONTINGENT UPON PRIOR ACCEPTANCE OF MUTUALLY AGREEABLE LANGUAGE AND CLEARANCE BY WASHINGTON OF TEXTS TO BE SIGNED.

5. IN VIEW OF SCHEDULING COMPLEXITIES AND LEAD-TIME NORMALLY REQUIRED BY HUNGARIAN EMBASSY FOR ISSUANCE OF VISAS TO OFFICIAL TRAVELERS, NSF WILL APPRECIATE EARLY EMBASSY REPLY.
ROGERS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE154665
Document Source: CORE
Document Unique ID: 00
Drafter: NSF/OIP:RFHULL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730855/aaaabogn.tel
Line Count: 143
Locator: TEXT ON-LINE
Office: ORIGIN NSF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 11 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11-Jan-2002 by reddocgw>; APPROVED <04 MAR 2002 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NSF/KKI AGREEMENT ON SCIENTIFIC COOPERATION
TAGS: OSCI, HU
To: BUDAPEST
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005